

# EXHIBIT 1

**In The Matter Of:**

*Andrew Colborn v  
Netflix, Inc., et al.*

---

*Brenda Schuler  
May 20, 2022  
Confidential*

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*Colleen Reed Reporting LLC  
P.O. Box 293  
Milwaukee, Wisconsin 53201  
www.colleenreed.com*

Original File 052022brendaschulerfwx.txt

**Min-U-Script® with Word Index**

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

Plaintiff, CIVIL ACTION NO. 19-CV-0484

-vs-

NETFLIX, INC., ET AL, \*\*\*CONFIDENTIAL\*\*\*

Defendants.

DEPOSITION OF: BRENDA SCHULER

DATE: May 20, 2022

TIME: 8:39 a.m. to 4:57 p.m.

LOCATION: Godfrey & Kahn, S.C.  
833 East Michigan Street  
Suite 1800  
Milwaukee, Wisconsin 53202

REPORTED BY: Janet D. Larsen, RPR

## 1 A P P E A R A N C E S

2

3 SCHOTT BUBLITZ & ENGEL S.C., by  
4 APRIL ROCKSTEAD BARKER, ATTORNEY AT LAW  
640 West Moreland Boulevard  
5 Waukesha, Wisconsin 53188  
abarker@sbe-law.com  
6 appeared via Zoom videoconference on  
behalf of the Plaintiff.

7 BALLARD SPAHR LLP, BY  
8 LEITA WALKER, ATTORNEY AT LAW  
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Minneapolis, Minnesota 55402  
walkerl@ballardspahr.com  
10 appeared on behalf of Netflix, Inc.

11 BALLARD SPAHR LLP, BY  
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ATTORNEY AT LAW  
2000 IDS Center  
13 80 South 8th Street  
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20 JASSY VICK CAROLAN LLP, by  
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25

1 ANNIGIAN RYAN LLP, by  
2 NICHOLAS A. KURTZ, ATTORNEY AT LAW  
3 114 North Indian Hill Boulevard, Suite E  
4 Claremont, California 91711  
5 nk@arllp.com  
6 appeared on behalf of the Witness.

7  
8 ALSO PRESENT VIA ZOOM VIDEOCONFERENCE:  
9 Moira Demos  
10 Laura Ricciardi  
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1 Do you see all that?

2 A. I do.

3 Q. Do you remember getting an email from Mr. Colborn  
4 in reference to what he says here, about Judge  
5 Pamela Pepper?

6 A. My recollection isn't great on it, but I believe  
7 it was something regarding, like, her history on a  
8 website or something. Did you get the email. I  
9 don't remember exactly what it was.

10 Q. Are you willing to run a search for the name  
11 Pamela Pepper and send us any email you have about  
12 her?

13 A. Possibly.

14 Q. And Mr. Colborn says, I will forward what Mike  
15 sent me about her.

16 Do you see that?

17 A. Yes, m-hm.

18 Q. And so he's forwarding you a communication that he  
19 had with -- Mike Griesbach -- I'll withdraw that.

20 My first question is Mike is a reference  
21 to Mike Griesbach; correct?

22 A. Yes.

23 MS. BARKER: Object as to foundation.

24 Q. So he was forwarding you a privileged  
25 communication he had with his attorney,

1 Mr. Griesbach; correct?

2 MS. BARKER: Same objection.

3 A. I don't know, I don't know how privilege works.  
4 I'm sorry. I don't know if he was just sharing  
5 something he didn't care if it was privileged or  
6 not or if all attorney-client is privileged for  
7 anything. I don't know. But, yes, he forwarded  
8 an email from Mike Griesbach.

9 Q. Okay. And he said, just between you and me, tho,  
10 and what was your understanding of why he said  
11 that?

12 MS. BARKER: Object as to foundation.

13 A. Not to share with anyone.

14 Q. Did he ever tell you to not tell Mr. Griesbach  
15 that he was sharing communications with you?

16 A. Maybe, maybe. I don't, I can't think of anything  
17 offhand but maybe. He could have said, don't  
18 share this with Mike. I, I don't know.

19 (Exhibit [2028](#) marked for identification)

20 Q. The court reporter just handed you Exhibit [2028](#).  
21 Again, these are text messages between you and  
22 Mr. Colborn; correct?

23 A. Yes.

24 Q. And the exhibit begins at Bates No. 8990, but I'll  
25 direct you to three pages in, 8992.

1           how much they support our decision to do this, and  
2           the pastor told me we will all be in his prayers.  
3           Thought you would like to know that, Brenda.

4                       Did I read that correctly?

5    A.    Yes.

6    Q.    And you say, Aww. Thanks so much. That is  
7           wonderful to hear. And he says, You betcha. Nice  
8           to have the support of a church, and people seem  
9           to be happy about what we are doing.

10                      Did I read that correctly?

11   A.    Yes.

12   Q.    And so, like, he had the support of his law  
13           enforcement community, Mr. Colborn had the support  
14           of his church community; correct?

15   A.    Yes, his church, yes.

16   Q.    Oh, you can hang on to that actually --

17   A.    Okay.

18   Q.    -- for just one more minute.

19                      I'll take that back. I'm going to hand  
20           you another exhibit.

21                      (Exhibit [2051](#) marked for identification)

22   Q.    So the court reporter has handed you Exhibit [2051](#).  
23           These are texts, and really they're, well, they're  
24           texts with some photographs from Mr. Colborn to  
25           you; correct?



1 A. Correct. Yes.

2 Q. And at the top on Bates No. 5126 he says, This is  
3 what I have for you, and he sends you a picture of  
4 a box with some files in it, it looks like; is  
5 that correct?

6 A. Correct, yes.

7 Q. And this was coming in June of 2018; right?

8 A. Yes.

9 Q. And what was in that box?

10 A. That was the file that he had previously given to  
11 a prior attorney that he gave to me. It was the  
12 CDs that we were talking about earlier, the 27,  
13 his personnel report. Oh, his personnel -- It was  
14 everything pretty much from Manitowoc County  
15 regarding his personnel report, complaints he had  
16 received, or I don't want to say complaints,  
17 emails he had received that we talked about  
18 earlier. What else was in there. It was  
19 everything related to him personally that he had  
20 given to a prior attorney that he had hoped would  
21 take his case.

22 Q. Do you know that attorney's name?

23 A. No, no.

24 Q. And he or she decided not to take Mr. Colborn's  
25 case?

- 1 A. I don't know if, I don't know the situation,  
2 honestly. I don't know what it was.
- 3 Q. He never talked to you about why that attorney  
4 said no?
- 5 A. Maybe. I don't remember if he, what he said about  
6 it. I just knew that she wasn't taking it,  
7 whoever it was. Might have been a prior -- I  
8 thought she worked for, he knew her through his  
9 job somehow, I thought.
- 10 Q. Have you given us the documents in that box in the  
11 picture?
- 12 A. That's the ones we talked about earlier with all  
13 of the complaints and the personnel reports.
- 14 Q. So all the ten?
- 15 A. Yes, yes.
- 16 Q. It's a pretty small box. Does seeing it again  
17 make you more willing to give us everything?
- 18 A. I think everything in it you're either going to  
19 either have or it's the ten complaints because  
20 this is what was given to his lawyers. I don't  
21 have this box anymore, so it's, it's -- I did give  
22 you the personnel report, I believe.
- 23 Q. So you don't have this box anymore?
- 24 A. No, no. Nor, nor this.
- 25 Q. Okay. But you think you gave us everything

1           that -- I mean did you make a copy of everything  
2           that was in the box before you gave it to his  
3           lawyers?

4    A.    I scanned a lot of it, and I also had the wave  
5           files of the CDs with the calls.

6    Q.    Okay. And so you think you have given all of that  
7           to us?

8    A.    Everything that I copied or put on-line, yes.

9    Q.    Okay. On the next page, there's another photo of  
10          a file in, like, a plastic folder.

11                       Do you see that?

12   A.    Yes. Yes.

13   Q.    And what was that?

14   A.    I just want to see what this one is. Since  
15          release of Making a Murderer -- Oh, okay. This  
16          is, these are formal incident reports, the top one  
17          anyway, incident reports that came in, whether it  
18          be, like, the bomb threats that they received. He  
19          had a couple interactions with people threatening  
20          him. So there were more of the incident reports.  
21          I know there was a lot of emails between one or  
22          two parties that just went back and forth, back  
23          and forth, and I believe there were several copies  
24          of the same one that seemed like a big stack  
25          because I remember kind of sorting it. The CD is

1 A. Right.

2 Q. Which phone call again? Say it again for me.

3 A. Sure. That '95, '96 phone call that Andy received  
4 and transferred --

5 Q. Got it.

6 A. -- to a detective.

7 Q. Yeah.

8 A. Mike was under the impression, I believe, somehow,  
9 some way that Kusche actually received a call, and  
10 I caught that in the Complaint, and I said, I  
11 don't think that's, I never heard that, where is  
12 that from.

13 Q. Mike was under that impression because Kusche  
14 might have told him that?

15 A. No. I don't know how Mike was under the  
16 impression. I have no idea.

17 Q. Just a mistake?

18 A. Right.

19 Q. We'll move on.

20 I'm going to hand you two exhibits at  
21 once. This will be [2063](#), this will be [2064](#).

22 (Exhibits [2063](#) and [2064](#) marked for  
23 identification)

24 A. All right.

25 Q. If you could look at [2063](#) first. This is an email

1 Mr. Colborn sent to you on December 7th, 2018.

2 A. Yes.

3 Q. And it forwards an email he got from his attorney,  
4 Mr. Griesbach; correct?

5 A. Correct.

6 Q. And it's a partial draft of the Complaint about a  
7 week before it was filed; correct?

8 A. Correct.

9 Q. And this is, we've seen text messages between you  
10 and Mr. Colborn about your edits, but this is the  
11 email where he actually sent the thing to you;  
12 correct?

13 A. That's what it looks like, yes.

14 Q. And then Exhibit [2064](#) is a similar email where  
15 Mr. Griesbach had sent a second section of the  
16 Complaint, draft Complaint, to Mr. Colborn, and  
17 then Mr. Colborn sent it to you; correct?

18 A. Right. The second part, correct.

19 Q. Did you have any concerns as all this was  
20 happening about Mr. Colborn preserving  
21 attorney-client privilege?

22 A. No, because I wasn't aware of any of that. I mean  
23 I even was working with Mike researching in the  
24 book and I felt like things that a legal assistant  
25 would almost do. So, no, I didn't even know that,

1 to be honest, that that would be an issue, and I  
2 didn't even think about it since, because Mike did  
3 know I was checking it. I, I didn't remember that  
4 Andy sent it to me first.

5 Q. So at some point Mr. Griesbach found out. He  
6 maybe didn't know on December 7th; correct?

7 A. Very soon after.

8 Q. Okay. Let's mark this as Exhibit [2065](#), and I'll  
9 give you just a minute or two to, to review [2065](#).  
10 And I'm going to be pointing you to -- Well, I'll  
11 give you a chance to review it, but then I just  
12 want to confirm that these are text messages  
13 between you and Andy Colborn talking about edits  
14 to the Complaint.

15 (Exhibit [2065](#) marked for identification)

16 A. All right. Let me take a look here. How far did  
17 you want me to read? I'm sorry.

18 Q. Well, let me ask you this. This was all sent on  
19 December 16th, 2018; correct, December 16th, 2018?

20 A. Correct.

21 Q. And this is just a couple days before the  
22 Complaint was to be filed; correct?

23 A. I believe one day, actually, one, one or two,  
24 yes.

25 Q. And you're in this text message chain going back

1           between you and Mr. Colborn; correct?

2    A.    Yes.

3    Q.    And I'll direct you to page Bates No. 7072.

4    A.    Okay.

5    Q.    We don't have to read this. This is a big, long

6           text.

7    A.    I know. Who is this? Him to me? Me to him.

8    Q.    You to Mr. Colborn. Let me read the first couple

9           lines.

10   A.    Okay.

11   Q.    And just to set the stage, this is January 6,

12           2019, right after the Complaint was filed;

13           correct?

14   A.    Correct.

15   Q.    So you say, Mike is on the other line with him

16           now. He called while I was chatting with him.

17           I'm glad he did because of the attorney work

18           product, and I'm not, quote, officially working,

19           quote, for Mike. I'll have to ask him how we get

20           my stuff to be privileged. Anyway, period. And

21           then you go on to talk about this character named

22           Rocky Lapomarto. But my question is, it seems

23           maybe to have occurred to you at this point there

24           are some privilege and attorney work product

25           issues?

1 A. Yes.

2 Q. And you were expressing, I don't know if it's  
3 concern or maybe curiosity about that?

4 A. Right after -- Yes, yes, that's what it appears  
5 definitely.

6 Q. And did you ever ask Mike, quote, how we get my  
7 stuff to be privileged, as you say there in the  
8 text message?

9 A. My recollection, I don't know if this, when this  
10 was, but, yes, I remember sharing information,  
11 again, up until April and the group took over,  
12 just saying how I don't want my things to be  
13 public, okay. I wasn't, I don't think I  
14 necessarily, necessarily was thinking anything  
15 about his stuff not being privileged by including  
16 me. I was more worried about my stuff becoming  
17 public that I was sharing with him.

18 Q. Okay. And did you ever get an answer from  
19 Mr. Griesbach about that?

20 A. If I recall correctly, I believe he said, just put  
21 attorney-client privilege on it or something  
22 because I was not officially in a paid capacity  
23 working for him, more of a -- I don't know what I  
24 was.

25 Q. A volunteer?



1 A. I wasn't officially working for him, but I was  
2 certainly helping him.

3 Q. Got it.

4 MS. WALKER: Let's mark this as [2069](#).

5 (Exhibit [2069](#) marked for identification)

6 Q. [2069](#) is another text exchange between you and  
7 Mr. Colborn; correct?

8 A. Yes, m-hm.

9 Q. And this is now a couple months after the lawsuit  
10 was filed in February 8th of 2019.

11 Do you see that?

12 A. February, yes, I do.

13 Q. And you say to Mr. Colborn, Hey, are you around?  
14 He says, Yeah, I'm at home. What's up? And you  
15 say, Oh, no biggy. Mike left me a message about  
16 the meeting and sounds like I can't help at all.

17 Do you see that?

18 A. Yes.

19 Q. And you say, I don't want to be deposed, but I  
20 said if they wanted me to sign something that I  
21 can help with no pay, I'd be happy to. But they  
22 don't think it's a good idea. It's all good. Was  
23 just going to fill you in if Mike hadn't yet.

24 Do you see that?

25 A. Yes.

1 Q. And tell me about the message he left or the  
2 conversation you had about why you were no longer  
3 able to help with the case.

4 A. Sure. As you can probably tell, prior to the  
5 Complaint being filed, I was a big part of helping  
6 the research aspect of it, so I think that was  
7 always kind of the plan. I wasn't doing much with  
8 transition at that point, if, hardly anything. So  
9 when April and the group came on and took it on,  
10 they obviously have their own resources. I wasn't  
11 an employee of Mike's. Officially I couldn't  
12 really bring any value to them. I had hoped I  
13 could because I wanted to be part of that. And  
14 it, it just wasn't, I wasn't able to do that. And  
15 for obvious reasons, they have their own staff.  
16 I'm not an attorney, so he was just letting me  
17 know that I really couldn't know anything, be a  
18 part of anything, see anything, so it was kind of  
19 I think where the big cutoff was where we, I  
20 handed it off and had to step back quite a bit.

21 Q. Mr. Colborn seems fairly disappointed by that. He  
22 says in the next text message, Mike hadn't  
23 mentioned that. I was really hoping you could be  
24 involved, although I certainly see why they  
25 wouldn't want to be deposed. Can you still give

1 info to Debra and will you still be willing to?

2 Do you see that?

3 A. I do, yes.

4 Q. And, in fact, what happened is that Mr. Colborn  
5 did continue to keep you in the loop on this  
6 lawsuit off and on; correct?

7 MS. BARKER: Object. Foundation.

8 A. I think -- Not to the same degree had I stayed on  
9 with him, obviously. But, yeah, I mean he, he  
10 told me periodic things so, sure, sure, more as a  
11 friend than a resource person.

12 Q. The info he references giving to Debra --

13 A. Yes.

14 Q. -- what was that, and did you give it to her?

15 A. I did, and I, I did include those in discovery. I  
16 was handing off all of my research documents that  
17 I felt would be applicable in the Complaint that I  
18 had used to check the Complaint, so I was  
19 basically just getting her up to speed on the  
20 background of the case, their investigator.

21 Q. Did you have a conversation with her --

22 A. I did, yes.

23 Q. -- to orient --

24 A. I met with her.

25 Q. You did.

1 A. Yes.

2 Q. Okay. Did you ever draft any exhibit to any  
3 Complaint like a comparison, a list of defamatory  
4 statements or a comparison of trial testimony to  
5 what was in Making a Murderer?

6 A. In the first Complaint, yes, I did. The second  
7 Complaint, unless they used something from the  
8 first Complaint, I had nothing to do with the  
9 second when, again, I don't know what you call it,  
10 the Amended Complaint, when April and George came  
11 on. The first one, yes. The first one, yes, I  
12 know I had an exhibit in there.

13 MS. WALKER: Mark this as Exhibit [2070](#).

14 (Exhibit [2070](#) marked for identification)

15 Q. So this is an email string with a lot of signature  
16 block.

17 A. Right.

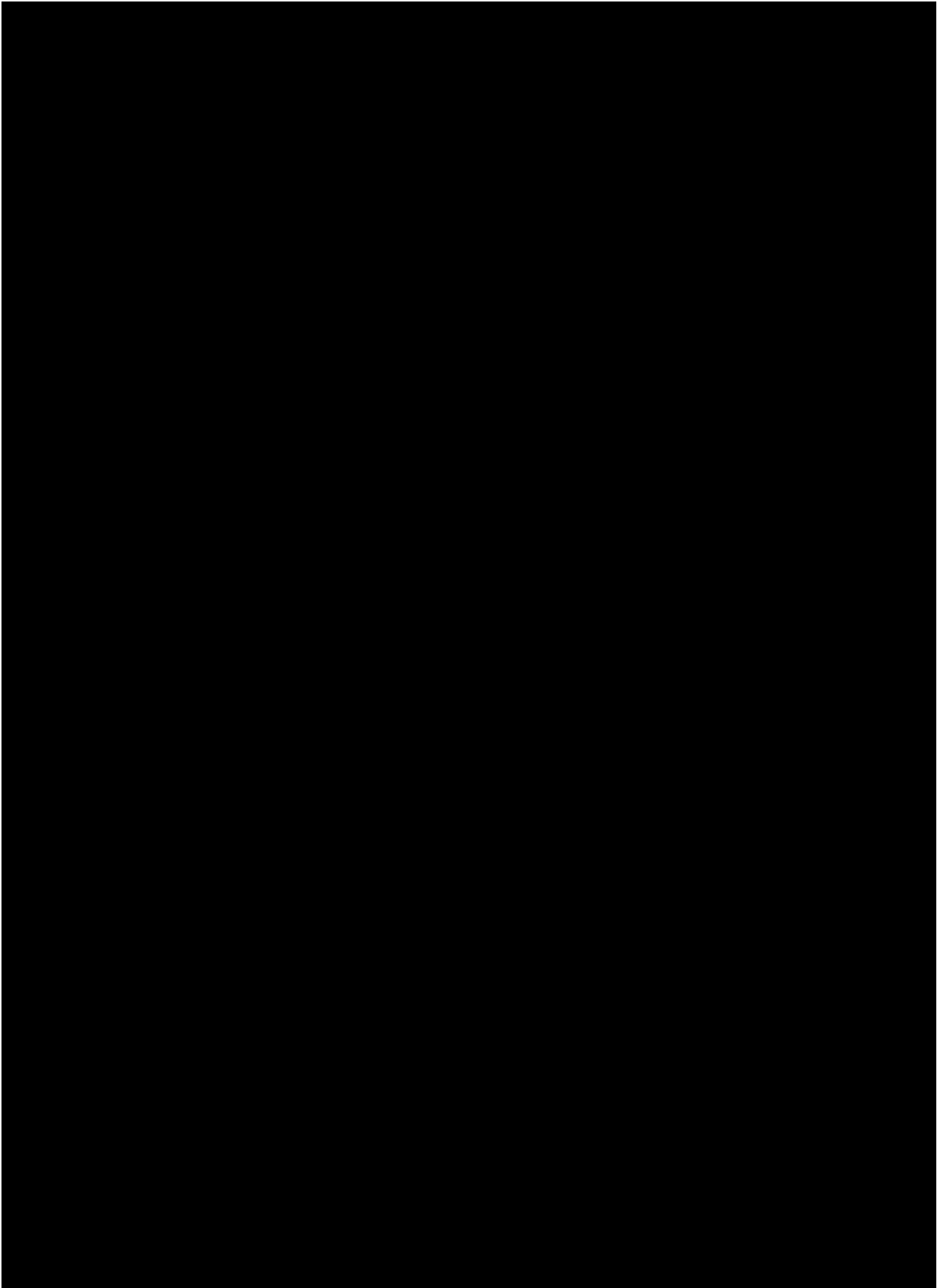
18 Q. Stuff we can ignore at the end, but if you flip  
19 backwards from that, the first real email at the  
20 bottom of the chain is from Deb Bursik to you  
21 asking if there's a piece of paper regarding the  
22 dispatch call Mr. Colborn received.

23 Do you see that on January 16th, 2019?

24 A. What page are you on?

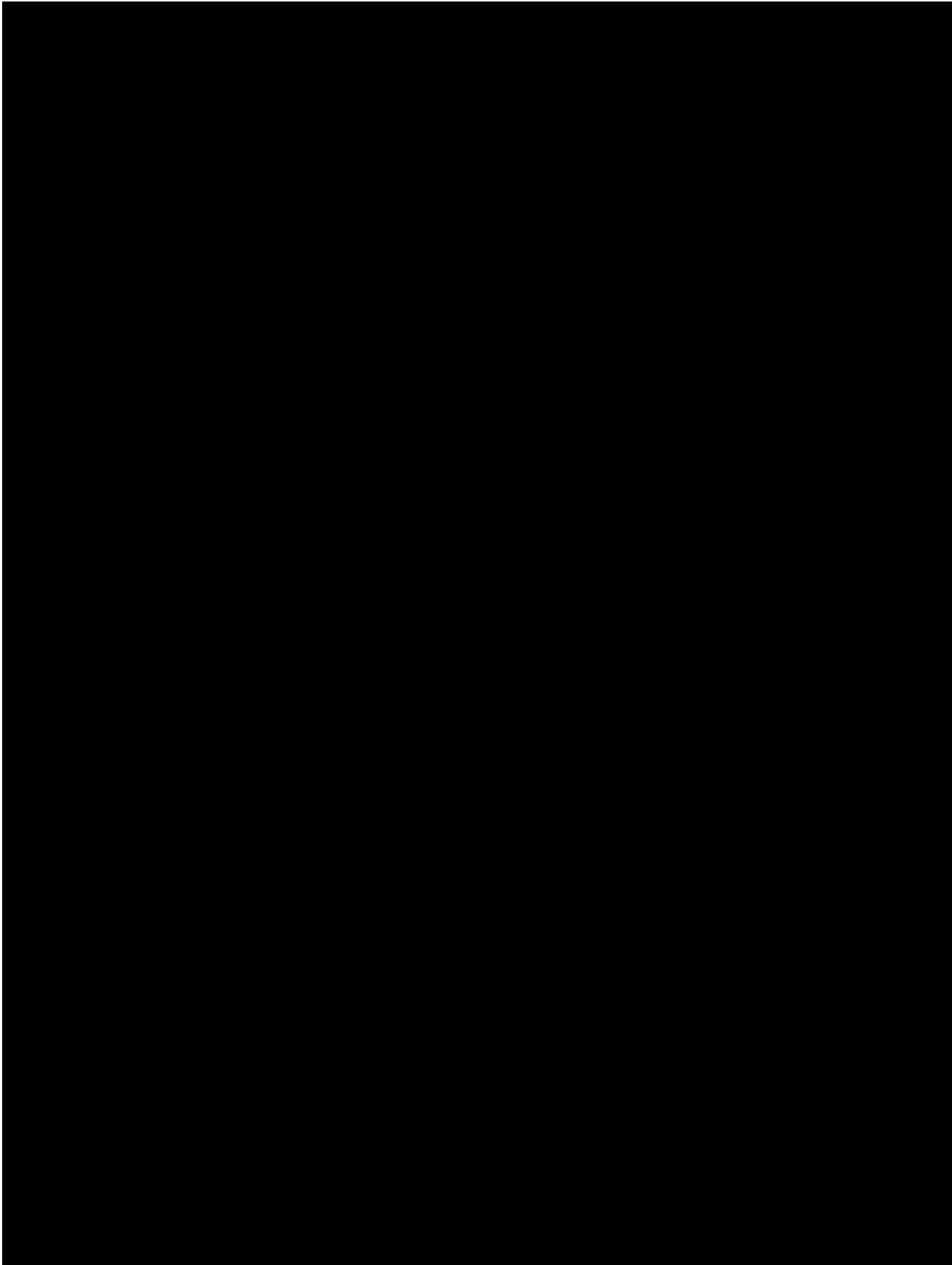
25 Q. I'm on the 2829.

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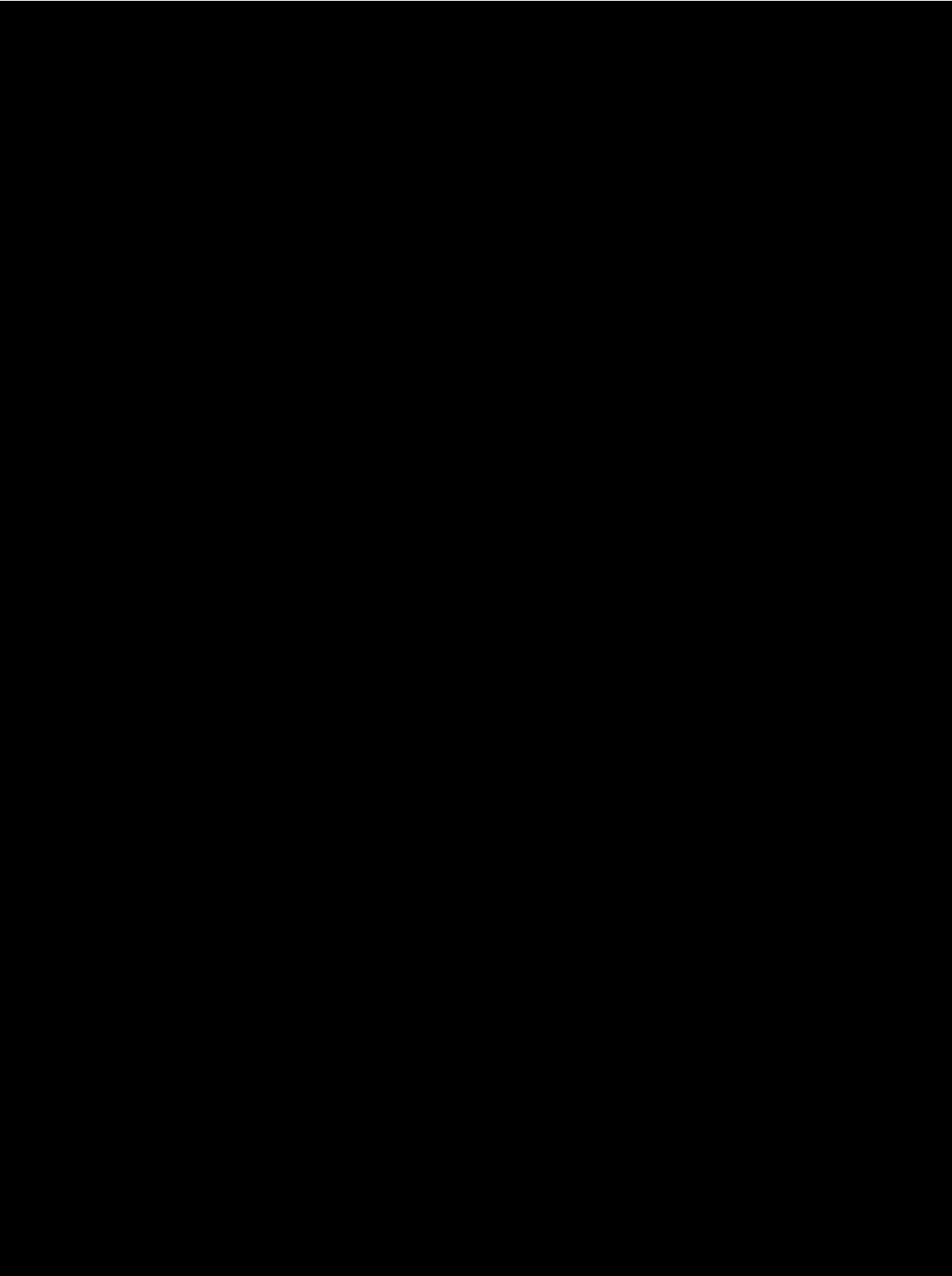
Colleen Reed Reporting LLC  
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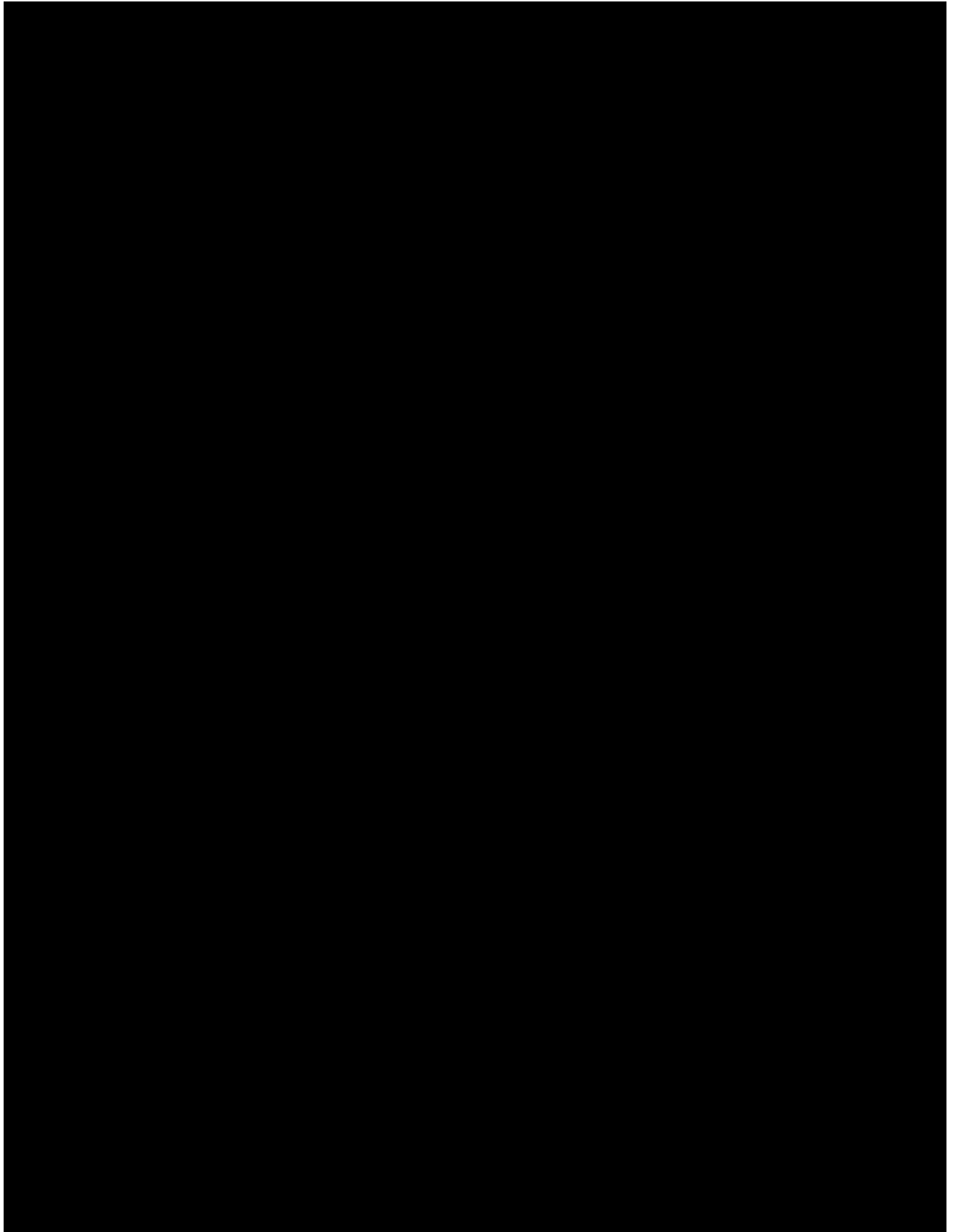
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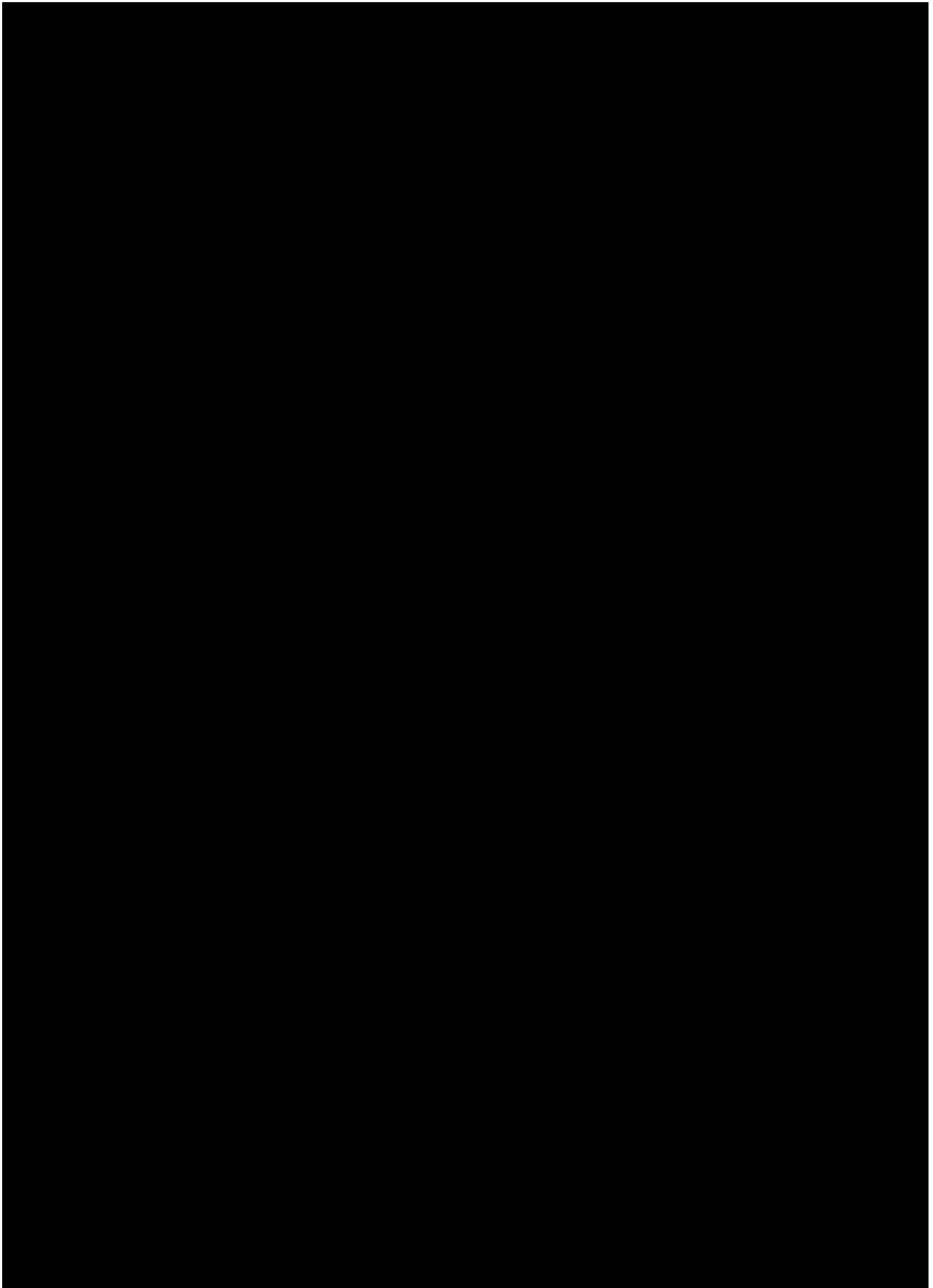
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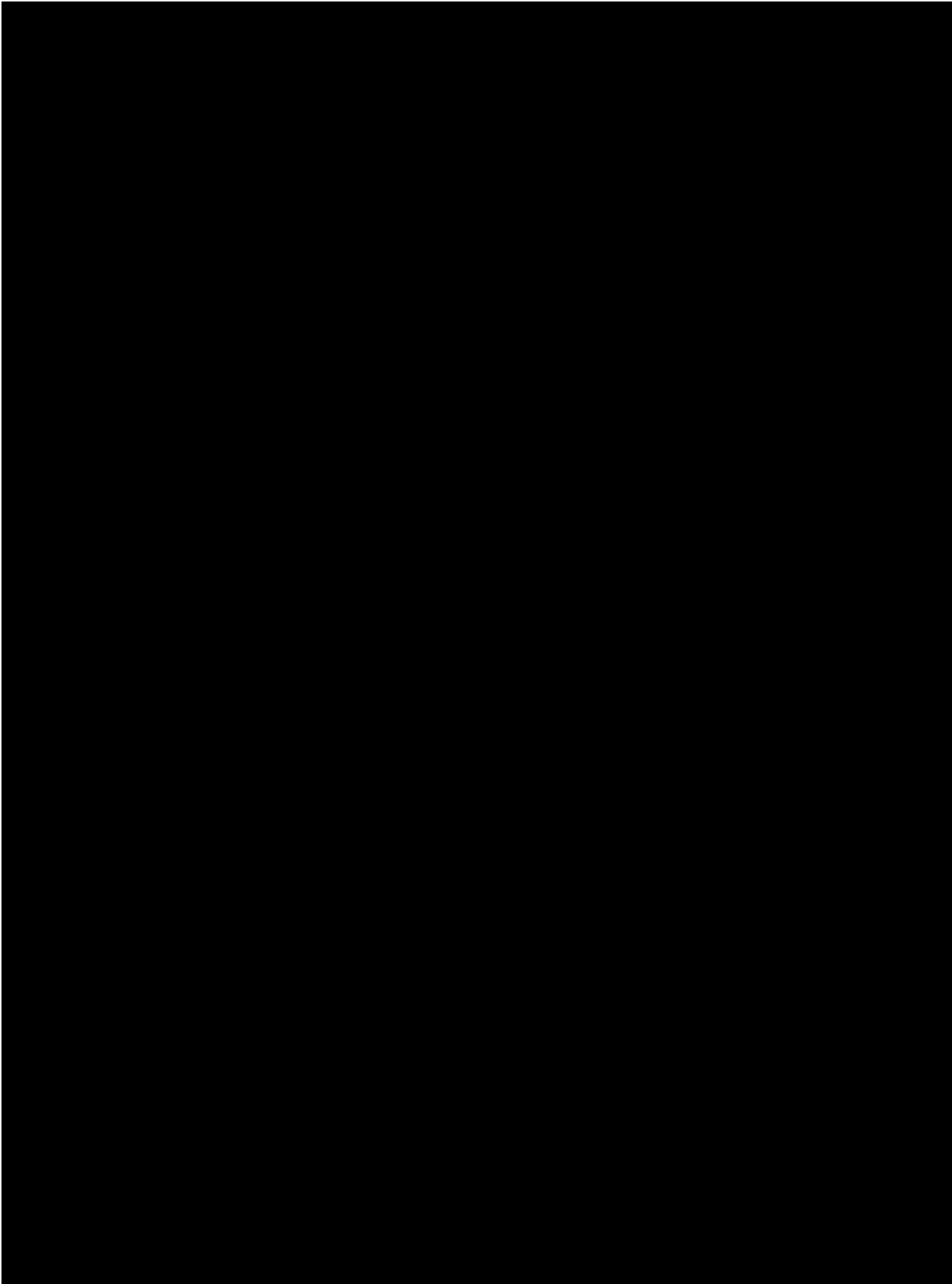


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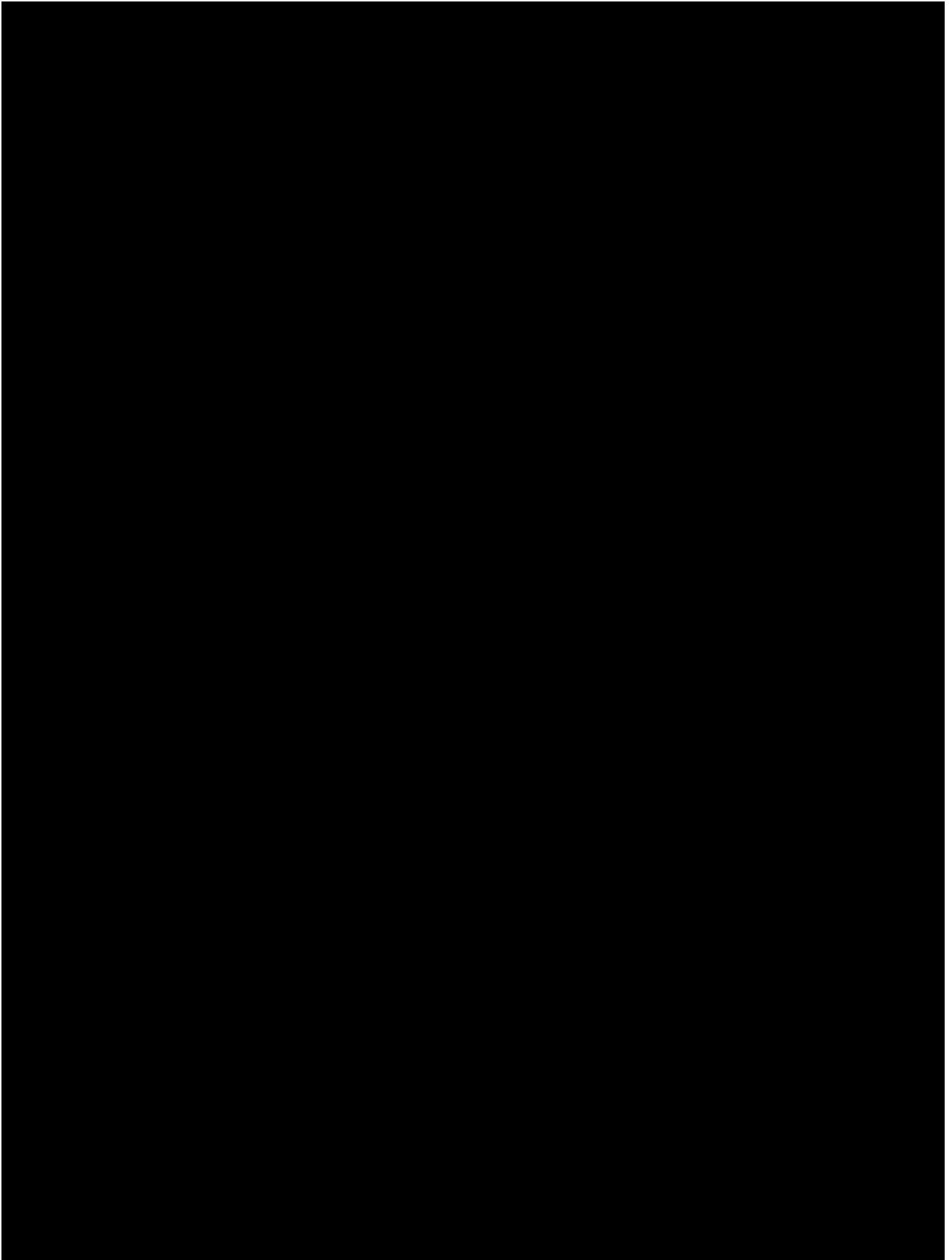
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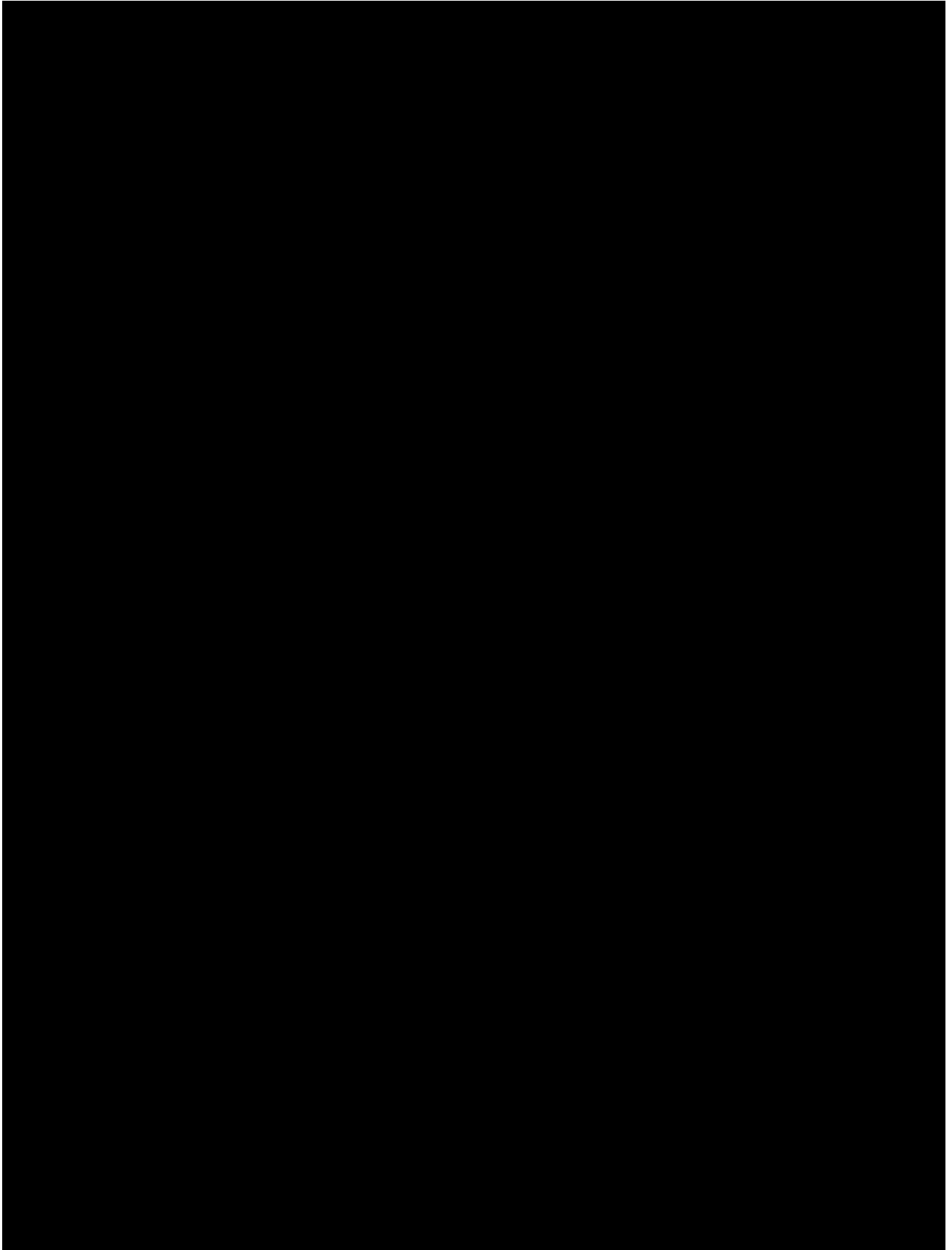
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Colleen Reed Reporting LLC  
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Colleen Reed Reporting LLC  
414.322.3621

## 1 ERRATA SHEET

2

3 Deponent: Brenda Schuler

4 Date: 5-20-22

5 Case: Andrew Colborn v Netflix, Inc., et al

6

7 Page 14 Line 11-12 Change part. to contract Reason clarification8 Page 39 Line 26 Change 2013 to 2014 Reason clarification9 Page 40 Line 5 Change 2019 to 2020 Reason my error10 Page 47 Line 22-23 Change Jan to March Reason my error11 Page 48 Line 15 Change Mike to Lenk Reason Reporter error12 Page 49 Line 20 Change Within a month to several months Reason my error13 Page 80 Line 1 Change lamb blasted to lambasted Reason Reporter error14 Page 43 Line 12 Change 2005 to 2007 Reason Attorney error15 Page 48 Line 14 Change About him to Reason my error16 Page 287 Line 1 Change By Perak Don't to do Reason my error17 Page 168 Line 17-18 Change See below Reason context

18 Page \_\_\_ Line \_\_\_ Change \_\_\_ Reason \_\_\_

19 Page \_\_\_ Line \_\_\_ Change \_\_\_ Reason \_\_\_

20 Page \_\_\_ Line \_\_\_ Change \_\_\_ Reason \_\_\_

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In regard to 17 above, the question by Ms Walker was taken out of context. She did not reference that my text, "we should shoot all liberal law professors" was in response to an attached article titled something to the effect of "UC Professor thinks all cops should be killed."

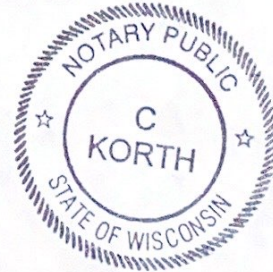


## SIGNATURE PAGE

1  
2  
3  
4  
5  
6 I, Brenda Schuler, do hereby certify that I have read  
7 the foregoing transcript of proceedings, taken the 20th  
8 day of May, 2022, and the same is true and correct,  
9 except for the list of corrections, if any, noted on  
10 the errata sheet.

11  
12  
13 Dated this 24<sup>th</sup> day of June, 2022  
14 Deponent Signature Brenda Schuler  
15  
16  
17

18 Subscribed and sworn to before me this 24 day of  
19 JUNE, 2022 in OUTAGAMIE County  
20 State of WISCONSIN  
21 My commission expires: 12-4-23  
22 Notary Public Printed Name: CKORTH  
23 Notary Public Signature CKORTH  
24  
25



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1 STATE OF WISCONSIN)

2 MILWAUKEE COUNTY )

3 I, JANET D. LARSEN, a Notary Public in  
4 and for the State of Wisconsin, do hereby certify that  
5 the deposition of BRENDA SCHULER was taken before me  
6 under and pursuant to the Federal Rules of Civil  
7 Procedure on the 20th day of May, 2022.

8 That before said witness testified,  
9 she was first duly sworn by me to testify the truth.

10 That I am not a relative or employee or  
11 attorney or counsel of any of the parties, or a  
12 relative or employee of such attorney or counsel, or  
13 financially interested directly or indirectly in this  
14 action.

15 That the foregoing pages are a true and  
16 correct transcription of my original shorthand notes  
17 taken at said time and place.

18

19 Dated this 24th day of May, 2022  
20 at Milwaukee, Wisconsin.

21

22 JANET DONALDSON LARSEN  
23 REGISTERED PROFESSIONAL REPORTER  
24 NOTARY PUBLIC, STATE OF WISCONSIN  
25 MY COMMISSION EXPIRES 1-22-26

24

25

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